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6 Attorneys for Plaintiff  
I. MICHAEL ROSS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

I. MICHAEL ROSS.

**Plaintiff,**

v.

TOMLAB OPTIMIZATION AB,  
TOMLAB OPTIMIZATION, INC.,  
and DOES 1 through 20.

### Defendants.

CASE NO. C08-01052 MHP

**STIPULATION AND [PROPOSED]  
ORDER POSTPONING CASE  
MANAGEMENT CONFERENCE**

**WHEREAS:**

A. Plaintiff I. Michael Ross (“Ross”), of the one part, and defendant Tomlab Organization, Inc., on its behalf and on behalf of its parent Tomlab Organization, A.B. (hereinafter jointly called Tomlab”), of the other part, are negotiating a settlement, and are optimistic that such a settlement will be concluded within the next ten days. The effect of that settlement will be to resolve all issues between those parties, and to dismiss the action as to Tomlab:

B. Defendant Anil Rao (“Rao”) was only recently added as a defendant, by a Second Amended Complaint filed on May 9, 2008, and he has not yet been served with the summons and

1 complaint. Rao is therefore not yet a served party available to sign this stipulation;

2 C. Defendant Tomlab Organization, A.B. has also not yet been served with the  
3 summons and complaint, and is also not available to sign this stipulation;

4 D. Ross and Tomlab believe that proceeding with a Case Management Conference at  
5 this time would be a waste of judicial resources, and would impose wasted expense and  
6 inconvenience on them by requiring them to complete the required pre-conference initial  
7 disclosures, joint statement, etc. when a settlement appears imminent. Moreover, since Rao has yet  
8 to be served and to appear in the action, he is not available to complete the required pre-conference  
9 initial disclosures, joint statement, etc.;

10 E. Accordingly, in view of the foregoing Ross and Tomlab have agreed to jointly  
11 request the Court to postpone the Case Management Conference now scheduled for June 9, 2008  
12 for approximately 90 days, as they hereby do:

13 ACCORDINGLY, IT IS HEREBY STIPULATED by and between Ross and defendant  
14 Tomlab Organization, Inc., through their respective counsel, that the Case Management Conference  
15 currently scheduled for June 9, 2008 may be postponed to August 11, 2008, at 4.00 p.m., or such  
16 other date as the Court may direct, and that the related dates for filing a Joint Case Management  
17 Conference and for compliance with the other matters specified in the Order Setting Initial Case  
18 Management Conference and ADR Deadlines (Document 2) and the Clerk's Notice Scheduling  
19 Conference and Case Management Conference In Reassigned Case (Document 17) may be adjusted accordingly.

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24 Dated: May 19 , 2008

25 CARR & FERRELL LLP

1                            /s/ Stuart C. Clark  
2 By: \_\_\_\_\_  
3 STUART C. CLARK  
4 Attorneys for plaintiff I. Michael Ross

5 Dated: May , 2008

6 NEWHOUSE & ASSOCIATES

7                            David E.  
8                            Newhouse  
9 By: \_\_\_\_\_  
10 DAVID E. NEWHOUSE  
11 Attorneys for defendant Tomlab Organization, Inc.

Digitally signed by David E. Newhouse  
DN: cn=David E. Newhouse,  
o=Newhouse / Associates, ou,  
email=den@attycubed.com, c=US  
Date: 2008.05.19 13:08:02 -07'00'

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 DATED: May , 2008

14                            MARILYN HALL PATEL  
15                            UNITED STATES DISTRICT JUDGE

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